IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re Application of	Atty. Docket: DE 020184
TOBIAS GEORG TOLLE ET AL.	Group Art Unit: 2832
Serial No. 10/521,849	Examiner: BAISA, J.S.
Filed: JANUARY 21, 2005	Confirmation No. 6182

Title: VIDEO PLAYBACK DEVICE WITH REAL-TIME ON-LINE VIEWER FEEDBACK CAPABILITY AND METHOD OF OPERATION

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APPEAL BRIEF

Sir:

Appellants herewith respectfully present a Brief on Appeal as follows, having filed a Notice of Appeal on September 24, 2007:

REAL PARTY IN INTEREST

The real party in interest in this appeal is the assignee of record Koninklijke Philips Electronics N.V., a corporation of The Netherlands having an office and a place of business at Groenewoudseweg 1, Eindhoven, Netherlands 5621 BA.

RELATED APPEALS AND INTERFERENCES

Appellants and the undersigned attorney are not aware of any other appeals or interferences which will directly affect or be directly affected by or having a bearing on the Board's decision in the pending appeal.

STATUS OF CLAIMS

Claims 1-16 are pending in this application. Claims 1-16 are rejected in the Final Office Action mailed June 28, 2007. This rejection was upheld, in an Advisory Action that mailed September 19, 2007. Claims 1-16 are the subject of this appeal.

STATUS OF AMENDMENTS

Appellants filed on August 28, 2007 an after final amendment in response to a Final Office Action mailed June 28, 2007. The after final amendment did not include any amendments to the claims. In an Advisory Action mailed on September 19, 2007, it is indicated that the after final amendment filed on August 28, 2007 does not place the application in condition for allowance. This Appeal Brief is in response to the Final Office Action mailed June 28, 2007, that finally rejected claims 1-16, which remain finally rejected in the Advisory Action mailed on September 19, 2007.

SUMMARY OF THE CLAIMED SUBJECT MATTER

The present invention, for example, as recited in independent claims 1 and 15, is directed to a device which comprises a circuit arrangement and an electrically conductive plate 13 shown in FIGs 1 and 2. As described on page 4, lines 1-5 of the specification and shown in FIG 2, the conductive plate 13 has an inductive function, which inductive function corresponds to a structure of at least one spiral-shaped slit 20a, 20b, 20c formed in the plate 13. The spiral-shaped slit comprises at least two full 360° loops around a solid portion 21a, 21b, 21c of the plate 13 located at a center position of the spiral-shaped slit 20a, 20b, 20c. See also FIG 7 with spiral-shaped slits 71, 72 and solid contact points 73, 75 in their central regions, described on page 6, lines 20-28, as well as FIG 8 with spiral-shaped slits 81, 82 and solid contact points 83, 84 in their central regions, described on page 6, line 33 to page 7, line 4.

GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

Whether claims 1-16 of U.S. Patent Application Serial No. 10/521,849 are unpatentable under 35 U.S.C. §103(a) over EP 0522475 (Pilniak) in view of U.S. Patent No. 5,621,636 (Tanigawa).

Appellants respectfully request the Board to address the patentability of independent claims 1 and 15, and further claims 2-14 and 16 as depending from independent claims 1 and 15, based on the requirements of independent claims 1 and 15. This position is provided for the specific and stated purpose of simplifying the current issues on appeal. However, Appellants herein specifically reserve the right to argue and address the patentability of claims 2-14 and 16 at a later date should the separately patentable subject matter of claims 2-14 and 16 later become an issue. Accordingly, this limitation of the subject matter presented for appeal herein, specifically limited to discussions of the patentability of independent claims 1 and 15 is not intended as a waiver of Appellants' right to argue the patentability of the further claims and claim elements at that later time.

ARGUMENT

Claims 1 and 15 are said to be unpatentable over Pilniak and Tanigawa.

Pilniak is directed to a spiral shaped conductive plate 11 and an end portion 13.1 as shown in FIG 5a. In FIG 5a, a large opening or hole is shown in the conductive plate 11 below the end portion 13.1 in Pilniak.

In the Response to Arguments section on pages 5-6 of the Final Office Action, it is stated that the Applicants' previous remarks were "that the *solid center* portion is substantially spaced apart from the center portion, meaning it is still in the center portion of the spiral-shape slit" (see, Final Office Action, page 6). Applicants respectfully disagree. Furthermore, it is respectfully submitted that the above section of the Final Office Action is misquoting and misinterpreting the statements made in the previous Amendment of April 12, 2007.

In contrast, page 5, paragraph 3 of the previous Amendment of April 12, 2007 states that the (emphasis added) "cited end portion 13.1 of the plate is in fact substantially spaced apart from the

center portion of the slit". As described above, the previous Amendment clearly distinguishes the end portion 13.1 from any 'center portion' of plate 11 in FIG 5a of Pilniak. Rather, the **center position** in Pilniak is in the large opening or **is simply a hole** in the plate 11.

It is respectfully submitted that the end portion 13.1 in Pilniak is not located at a "center position of the spiral-shaped slit" as required by claim 1 of the present application. Rather, the Pilniak end portion 13.1 is located substantially away and apart from the center position of the plate 11 shown in FIG 5a of Pilniak. Tanigawa is cited to allegedly show other features and does not cure the deficiencies in Pilniak.

It is respectfully submitted that the device of claim 1 is not anticipated by Pilniak or made obvious by the teachings of Pilniak in view of Tanigawa. For example, Pilniak alone and in combination with Tanigawa does not disclose or suggest, a device that amongst other patentable elements, comprises (illustrative emphasis provided) "said spiral-shaped slit comprising at least two full 360° loops around a **solid** portion of the plate **located at a center**

position of the spiral-shaped slit," as required by claim 1, and as substantially required by claim 15.

Accordingly, it is respectfully submitted that independent claims 1 and 15 are allowable, and allowance thereof is respectfully requested. In addition, it is respectfully submitted that claims 2-14 and 16 should also be allowed at least based on their dependence from independent claims 1 and 15.

In addition, Appellants deny any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Appellants reserve the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

CONCLUSION

Claims 1-16 are patentable over Pilniak and Tanigawa.

Thus, the Examiner's rejections of claims 1-16 should be reversed.

Respectfully submitted,

By _____
Dicran Halajian, Reg. 39,703
Attorney for Appellants
November 8, 2007

THORNE & HALAJIAN, LLP
Applied Technology Center
111 West Main Street
Bay Shore, NY 11706
Tel: (631) 665-5139
Fax: (631) 665-5101

CLAIMS APPENDIX

1.(Previously Presented) A device which comprises a circuit arrangement and an electrically conductive plate having an inductive function, which inductive function corresponds to a structure of at least one spiral-shaped slit formed in the plate, said spiral-shaped slit comprising at least two full 360° loops around a solid portion of the plate located at a center position of the spiral-shaped slit.

2.(Previously Presented) A device as claimed in claim 1, characterized in that the structure of slits is formed by at least two spiral-shaped slits.

3.(Original) A device as claimed in claim 2, characterized in that the spiral-shaped slits are provided with a respective contact point in their central region and/or that at least one further contact point is arranged adjacent the spiral-shaped slits and/or between the central region and the periphery of a spiral-shaped

slit.

4.(Original) A device as claimed in claim 3, characterized in that there is provided a printed circuit board which supports the circuit arrangement and is electrically coupled to the electrically conductive plate by way of the contact points.

5.(Original) A device as claimed in claim 4, characterized in that the printed circuit board supports the electrically conductive plate.

6.(Original) A device as claimed in one of the claims 1 to 5, characterized in that the electrically conductive plate has the function of a plurality of coils, the number of which corresponds to the number of spiral-shaped slits.

7.(Previously Presented) A device as claimed in one of the claims 1 to 5, characterized in that the electrically conductive plate is formed as a sheet of metal.

8.(Original) A device as claimed in claim 7, characterized in that an insulating layer is provided between the printed circuit board and the electrically conductive plate.

9.(Previously Presented) A device as claimed in one of the claims 1 to 5, characterized in that a layer of a magnetic material, notably a ferrite material, is provided on at least one side of the electrically conductive plate.

10.(Original) A device as claimed in claim 9, characterized in that there is provided an arrangement which comprises two layers of a magnetic material wherebetween the electrically conductive plate is arranged, on one outer side of the arrangement there being provided a printed circuit board which is electrically coupled to the electrically conductive plate.

11.(Previously Presented) A device as claimed in one of the claims 4 or 5 characterized in that there is provided a cooling

layer which consists of a suitably thermally conductive material, notably metal, and that components of the device which are to be cooled are arranged between the cooling layer and the printed circuit board.

12.(Previously Presented) A device as claimed in one of the claims 4 or 5, characterized in that either the electrically conductive plate or the layer of a magnetic material is used for cooling.

13.(Previously Presented) A power supply device which includes a device as claimed in one of the claims 1 to 5.

14.(Original) A power supply device as claimed in claim 13, characterized in that the electrically conductive plate serves to form inductances of a multi-phase converter.

15.(Previously Presented) An electrically conductive plate having an inductive function, the inductive function corresponding

to a structure of at least one spiral-shaped slit formed in the plate, said spiral-shaped slit comprising at least two 360° loops around a solid portion of the plate located at a center portion of the spiral-shaped slit.

16. (Previously Presented) An electrically conductive plate as claimed in claim 15, characterized in that the structure of slits is formed by at least two spiral shaped slits.

EVIDENCE APPENDIX

None

RELATED PROCEEDINGS APPENDIX

None